

REMARKS

Claims 1-16 are pending in the instant application. Applicants make some minor amendments to the claims by replacing "characterized in that" with "wherein" since this is a preferred equivalent expression in American English and by replacing "selected among" with "selected from the group consisting of" as the preferred Markush language of the United States patent law. As such, no issue of new matter may arise by way of these purely formal changes. In addition, Applicants introduce the recitation "and (b) reducing nitrates to nitrogen by adding a reducing agent" into claim 15 to further clarify the methods claimed. No issue of new matter arises by way of this minor change since express support may be found in the specification at paragraph [0024] among other places.

The Examiner requires election of one of the following groups of claims for examination:

1. Group I, claims 1-14, drawn to a catalyst; and
2. Group II, claims 15-16 drawn to a process for treating waters using a catalyst.

Applicants hereby respond by electing Group I, claims 1-14, directed to a catalyst with traverse. Applicants respectfully request reconsideration of the Requirement for Restriction to allow prosecution of more than one group of claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "'distinct'" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification

2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added). Applicants respectfully submit that a search of the catalyst itself must be thorough and necessarily involves searching uses of the same. Applicants submit that it cannot represent a serious burden to concurrently search processes for treating waters using the catalyst while searching the very catalyst itself.

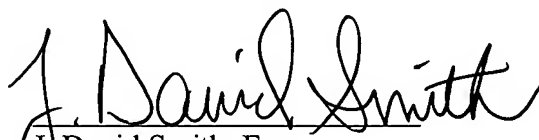
FEES

It is believed that no additional fees are necessary in connection with the present submission; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

It is believed that all of the claims are patentable and early notification as such is earnestly solicited. If any issues may be resolved by way of telephone, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,


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